IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 16109 of 2003

Between:

1 K. Satyanarayana,S/o. Adinaryana Murthy
The Avidi Large Sized Coop. Society Ltd.No. 10 Avidi,
Nothapeta Mandal, E.G. Dist.
2 M. Venkata Rao,S/o. Tatabbal
Sri Satyanarayana Primary Agricultural Coop.Soceity Ltd.No.88, Chirthabudi,
Ambajipeta Mandal, E.G. Dist.
3 K. Venkanna,S/o Veeranna
Pallivela Primary Agricultural Coop. Credit Society Ltd. No. 3506,
Kothapeta Mandal, E.G. Dist.
4 M. Bhaskara Rao, S/o. Nagabhushanam
Mummidivaram Primary Agricultural Coop. Society Ltd. Mummidivaram,
E.G. Dist.

..... PETITIONERS

AND

1 The Govt. of A.P. Cooperation Department
rep by its Secretary, Secretariat, Hyderabad.
2 The Commissioner for cooperation and Registrar of Coop. Societies
Nampalli, Hyderabad.
3 The District Coop. Officer Kakinada, E.G. Dist.
4 The Divisional Coop. Officer Amulapuram, E.G. Dist.
5 The Avidi Large Sized Coop. Society Ltd. No.10 Avidi, Kothapeta Mandal,
E.G. Dist. rep by its Person-in-Charge,
6 Sri Satyanarayana Primary Agricultural Coop. Society Ltd. No.38, Chirthapudi,
Ambajipeta Mandal, E.G.Dist. rep by its Person-in-Charge.
7 Pallivela Primary Agricultural Coop. Credit Society Ltd. No.3506,
Kothapeta Mandal, E.G. Dist.
rep by its Person-in-Charge
8 Mummidivaram Primary Agricultural Coop. Society Ltd. Mummidivaram,

E.G. Dist. rep by its Person-in-Charge

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a Writ or order or direction, more particularly one in the nature of Writ of Mandamus declaring the resolution passed by the 5th to 8th respondent societies dated 20-05-2003; 19-05-2003 and 30-03-2002 is illegal, arbitrary and violative and contrary to Sec.31-A(12) of the A.P. Cooperative Societies Act and Set aside the same and pass

Counsel for the Petitioner: Mr.A.SATYA PRASAD

Counsel for the Respondent Nos. 1 to 4: G.P. for CO-OPERATION

Counsel for the Respondent No.5: MR.P.UDAYA BHASKARA RAO

Counsel for the Respondent Nos. 6 to 8: --N.P.--

The Court made the following :

:ORAL ORDER:

The petitioners are employees of respondent Nos. 5 to 8—Primary Agricultural Co-

operative Societies (for short PACS). These PACS passed resolutions on 20-05-2003; 19-05-2003 and 30-03-2002 reducing the salaries of their respective employees in order to conform to the mandatory requirements of Section 116-C of the A.P. Co-operative Societies Act, 1964 (for short 'the Act') in the context of their respective financial position. Aggrieved thereby, the writ petition is filed. The petitioners do not establish any liability on the part of the State Government to pay them the salaries. This liability is that of the respondent Nos. 5 to 8—PACS. The petitioners also do not establish that the respondent Nos. 5 to 8—PACS are State within the meaning of Article 12 of the Constitution of India. The validity of the provisions of Section 116-C of the Act have been upheld by this court. In the above circumstances, the writ petition itself is not maintainable nor any relief could be granted to the writ petitioners, on merits. The writ petition is accordingly dismissed. The petitioners are, however, at liberty to pursue appropriate alternative remedy as is available to them at law. No costs.

GODA RAGHURAM, J

Dt. 27-07-2004

Pvks/*

To

1 The Secretary, the Govt. of A.P. Cooperation Department
Secretariat, Hyderabad.

2 The Commissioner for cooperation and Registrar of Coop. Societies
Nampalli, Hyderabad.
3 The District Coop. Officer Kakinada, E.G. Dist.
4 The Divisional Coop. Officer Amulapuram, E.G. Dist.
5 The Person-in-Charge, the Avidi Large Sized Coop. Society Ltd. No.10 Avidi, Kothapeta Mandal,
E.G. Dist.
6 The Person-in-Charge, Sri Satyanarayana Primary Agricultural Coop. Society Ltd. No.38, Chirthapudi,
Ambajipeta Mandal, E.G.Dist.
7 The Person-in-Charge, Pallivela Primary Agricultural Coop. Credit Society Ltd. No.3506,
Kothapeta Mandal, E.G. Dist.
8 The Person-in-Charge, Mummidivaram Primary Agricultural Coop. Society Ltd. Mummidivaram,
E.G. Dist.

9.2CCs to the Government Pleader for Co-operation, A.P. High Court Buildings, Hyderabad (OUT).

10.2CD copies